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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,502	10/07/2004	Hengliang Zhang .	FUKAP0101US	1564
43076	7590	09/25/2007		
MARK D. SARALINO (GENERAL) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE, NINETEENTH FLOOR CLEVELAND, OH 44115-2191			EXAMINER DOERRLER, WILLIAM CHARLES	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,502

Applicant(s)

ZHANG ET AL.

Examiner

William C. Doerrler

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 5, "high temperature heat source of heat" should be changed to --high temperature heat source--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (2,083,611) in view of Pierce (4,321,421).

Marshall discloses applicants' basic inventive concept, a thermosyphon heat loop with the vapor led from the top of the chamber containing the object being cooled and the liquid being sprayed over the top of the object being cooled (see figure 3), substantially as claimed with the exception of elevating the condenser. Pierce shows an elevated condensing section (tubes 20) which returns condensed liquid to the evaporator section through gravity. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention from the teaching of Pierce to modify the thermosyphon cooling system of Marshall by using gravity to distribute the liquid to avoid the requirement of a pump and the energy to run the pump. In regard to claim 3, the pipe 22 from the condenser of Pierce is shown to be smaller than the entrance for vapor, thus having increased flow resistance. The shape of the high temperature source which is being cooled, is seen as a matter of intended use. As the system of Marshall or Pierce may be used to cool any shape, this limitation is seen as met by the references. The same is true of the newly added limitation that the refrigerant flows along the curved surface. This is seen as inherent. Even on the flat surface shown by Marshall, the refrigerant will flow along the top surface. If it did not flow across the surface, there would be no pool of liquid as shown in the figure.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Pierce, as applied to claims 1 and 3 above, and further in view of Jones.

Marshall, as modified, discloses applicants' basic inventive concept, a thermosyphon which drops condensed coolant on the top of the curved surface to be cooled (see figures 4 and 7), substantially as claimed with the exception of using a loop type thermosyphon with controls to restrict fluid flow. Jones shows these features to be old in the thermosyphon art. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention from the teaching of Jones to modify the thermosyphon of Marshall by using a loop type system with means to control fluid flow to improve control over the heat transfer. In regard to claim 5, the amount of fluid in a thermosyphon is well within the scope of an ordinary practitioner to ensure that desired heat transfer will take place. In regard to claims 6 and 7, Jones states in line 28 of column 4 that water can be used as the fluid in the pipes.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Pierce as applied to claims 1 and 3 above, and further in view of DiPaolo. Marshall, as modified, discloses applicants' basic inventive concept, a thermosyphon which drops the condensed fluid onto a heat source in the evaporator, substantially as claimed with the exception of using a mixture containing ethanol as the refrigerant. DiPaolo shows this feature to be old in the paragraph 11. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention from the teaching of DiPaolo to modify the thermosyphon of Marshall et al by using ethanol to provide efficient, safe heat transfer.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Pierce as applied to claims 1 and 3 above, and further in view of Berchowitz et al.

Marshall, as modified, discloses applicants' basic inventive concept, a thermosyphon which drops the condensed fluid onto a heat source in the evaporator, substantially as claimed with the exception of using the thermosyphon to cool the heat rejection element of a Stirling cycle cooler. Berchowitz et al shows this feature to be old in the Stirling cooler art. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention from the teaching of Berchowitz et al to modify the thermosyphon of Marshall by using it to cool the heat rejector of a Stirling cooler to ensure proper functioning of the Stirling cooler.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the device of Marshall will not operate without the pump. The examiner believes that the device can operate without the pump. Liquid will flow out of the spray heads as long as the liquid is higher than the openings of the spray heads. Marshall does not state that the liquid must be sprayed at high velocity. Even if a high velocity were required, sufficient head pressure from a height difference could provide the required pressure. The pump in Marshall is only necessary because the condenser is not higher than the evaporator. One of ordinary skill in the art would recognize that a height elevation, such as shown in Pierce would negate the requirement for a pump.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Corliss et al and Mitsuoke show thermosiphons with separate liquid and vapor passages with liquid returned by gravity.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William C Doerrler
Primary Examiner
Art Unit 3744

WCD